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ABSTRACT

This document brings together current laws of the State of South Dakota as they pertain to libraries, and the administrative rules and regulations and general policies of the Dakota Library Commission that implement the laws. A subject index provides access to individual laws, regulations, and policies. (Author/CMV)

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LIBRARY LAWS, RULES, AND POLICIES

OF THE

STATE OF SOUTH DAKOTA

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

South Dakota State Library
Pierre, South Dakota
1978

IR007486

PREFACE

Laws enable us to have our libraries as governmental institutions. They reflect the will of the people for the provision of this means of meeting their needs for information and their sharing of expensive learning resources among themselves. The Legislative Assembly passes these enabling laws, adjusts them for current situations through amendment, and continuously reviews them for accuracy.

The Legislative Assembly also delegates, through law, the establishment of Boards and Commissions. It empowers those bodies with the responsibility to write rules and regulations and to establish policies implementing the law.

This document seeks to bring together current laws of the State of South Dakota as they pertain to libraries and the rules and regulations and policies that implement those laws.

The Code Commission, Code Counsel, and the State Board of Education are to be thanked for their contributions to this document or their assistance in its preparation.

South Dakota State Library Commission
Pierre, South Dakota

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SOUTH DAKOTA CODIFIED LAWS

IN EFFECT JULY 1, 1977

SELECTIONS OF CONCERN TO LIBRARIES

In this Section, the Reprints of the
Various Parts from
SOUTH DAKOTA CODIFIED LAWS
of Interest to Libraries were Approved by the
South Dakota Code Commission
on December 29, 1977.
Publication of this Section was Supervised
by the Code Counsel.

CHAPTER 1-18B

HISTORY AND HISTORICAL RECORDS

1-18B-2. Preservation and publication of historical material by board—Activities authorized.—In addition to the other duties imposed upon it by law, it shall be the duty of the board to collect, preserve, exhibit, and publish material for the study of history, especially the history of this and adjacent states; and to this end to explore the archaeology of the region; acquire documents and manuscripts; obtain narratives and records of pioneers; conduct a library of historical reference; maintain a gallery of historical portraiture, and an ethnological and historical museum; publish and otherwise diffuse information relating to the history of the region and, in general, encourage and develop within the state the study of history.

Source: SL 1974, ch 9, § 2.

CHAPTER 1-18C

ARCHIVES RESOURCE CENTER

1-18C-1. Definition of terms.—Terms as used in this chapter, unless the context otherwise requires, shall mean:

(1) "State agency," any department, division, office, commission, court, board, or any other unit or body, however designated, of the state government. The provisions of this chapter shall not extend to agencies of county and municipal government except in those instances when records of said agencies are in danger of deterioration, destruction, or loss and when the state archivist is willing and able to receive said records;

(2) "Agency head," the chief or principal official or representative in any such agency, or the presiding judge of any state court, by whatever title known;

(3) "Agency records," any book, document, paper, photograph, microfilm, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law, charter, ordinance or other authority, in connection with the transaction of official business and which is normally maintained within the custody or control of a state agency;

(4) "Archival resources," those noncurrent state records which are no longer essential to the functioning of the agency of origin and which the state archivist determines to have permanent value for research, reference, or other usage appropriate to document the organization, function, policies, and transactions of state government.

Source: SL 1975, ch 24, § 1.

1-18C-2. Center established within office of cultural preservation.—There is hereby established in the office of cultural preservation an archives resource center. The center shall constitute one program within the office of cultural preservation in the department of education and cultural affairs.

Source: SL 1975, ch 24, §§ 2, 3.

1-18C-3. State archivist — Appointment and compensation. — The archives resource center shall be administered by a state archivist who shall be appointed by the state board of cultural preservation. Compensation for the state archivist, hereinafter called the archivist, shall be determined according to guidelines established by the bureau of personnel and within the limits of available appropriations.

Source: SL 1975, ch 24, § 3.

1-18C-4. Duty of archivist—Policies and procedures.—It shall be the duty of the state archivist to administer the archives resource center. In exercising his administration, the archivist shall formulate policies, establish organizational and operational procedures, and exercise general supervision pursuant to the objectives and purposes of the archives resource center.

Source: SL 1975, ch 24, § 4.

1-18C-5. Archivist as official custodian of archival resources—Records.—The archivist shall be the official custodian of the archival resources of the state, and it shall be his duty to assemble, preserve, and service the permanently valuable records of the state. It shall be his duty to receive all records transferred to the archives for permanent retention and to negotiate for the transfer of any records in the custody of a state agency. It shall be his responsibility to make the records in his custody available to serve the administrative and informational needs of state government and the people of the state of South Dakota.

Source: SL 1975, ch 24, § 5.

1-18C-6. Employment of additional personnel by archivist.—Within limits of available appropriations and according to guide-

lines established by the bureau of personnel, the archivist shall have authority to hire additional trained personnel in order to more efficiently index, catalog, and otherwise make accessible to state agencies and the public the permanently valuable records in the custody of the archives resource center.

Source: SL 1975, ch 24, § 11.

1-18C-7. Acquisition of records submitted to records destruction board.—The archivist shall have authority to acquire, in total or in part, any records, regardless of physical characteristics, which have been submitted to the records destruction board for final disposition when such material is determined to be of informational or historical significance by the archivist.

Source: SL 1975, ch 24, § 6.

1-18C-8. Receipts for archival resources acquired—Copies.—The archivist shall prepare receipts for any archival resources acquired under provisions of this law, and shall deliver one copy to the state records manager and one copy to the agency head from which the records were obtained, and retain one or more copies for use in the archives resource center.

Source: SL 1975, ch 24, § 9.

1-18C-9. Safeguarding of restricted records. — The archivist shall take all precautions necessary to ensure that records placed in his custody, the use of which is restricted by or pursuant to law or for reasons of security and the public interest, shall be inspected, surveyed, or otherwise used only in accordance with law and the rules and regulations imposed by the archivist in consultation with the agency of origin.

Source: SL 1975, ch 24, § 8.

1-18C-10. Availability of archival resources to public and state agencies—Protection and preservation.—The archivist shall make archival resources under his supervision available to state agencies and to the public at reasonable times, subject to appropriate restrictions and regulations. He shall carefully protect and preserve such materials from deterioration, destruction, or loss through application of appropriate techniques for preserving archival and library materials.

Source: SL 1975, ch 24, § 11.

1-18C-11. Publications authorized—Price.—The archivist shall have authority to publish archival material, reports, bulletins, and other publications which will further the objectives of the office of state archivist and the archives resource center. He shall, consistent with existing laws, establish the price at which publications may be sold or delivered.

Source: SL 1975, ch 24, § 12.

1-18C-12. Rules adoption.—Any rules adopted by the state archivist shall be adopted in accordance with the provisions of chapter 1-26.

Source: SL 1975, ch 24, § 13.

1-18C-13. Annual report to cultural preservation office.—The state archivist shall report annually to the office of cultural preservation any facts and recommendations relating to the work and needs of the archives resource center.

Source: SL 1975, ch 24, § 14.

CHAPTER 1-27

PUBLIC RECORDS AND FILES

1-27-9. Records management programs—Definition of terms.—As used in §§ 1-27-9 to 1-27-18, inclusive:

(1) "State agency" or "agency" or "agencies" includes all state officers, boards, commissions, departments, institutions and agencies of state government.

(2) "Record" means document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

(3) "State record" means:

(a) A record of a department, office, commission, board or other agency, however designated, of the state government.

(b) A record of the state Legislature.

(c) A record of any court of record, whether of state-wide or local jurisdiction.

(d) Any other record designated or treated as a state record under state law.

(4) "Local record" means a record of a county, city, town, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law, unless the record is designated or treated as a state record under state law.

Source: SL 1967, ch 253, § 1.

CHAPTER 1-28

REPORTS OF STATE AGENCIES

1-28-14. Distribution of reports through state library commission.—The bureau shall transmit sufficient copies of the report to the state library commission for distribution to each public and academic library in South Dakota and for fulfilling the requirements of chapter 14-1A.

The bureau shall make available to each state officer, board, commission, and institution such report, and transmit one copy thereof to each state officer, board, commission, or institution.

Source: SL 1919, ch 288; SDC 1939, § 55.1210; SL 1963, ch 303; 1971, ch 10, § 6; 1977, ch 24, § 2.

CHAPTER 1-45

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

1-45-18. Offices constituting division of cultural affairs.—The division of cultural affairs shall consist of the following offices: cultural preservation office, fine arts office, educational television office and state library office which are hereby created, and such other offices as may be created by law, executive order or administrative action and placed within the division.

Source: SL 1973, ch 2, § 252.

1-45-26. Commission constituting state library office.—The state library office of the division of cultural affairs is comprised of the state library commission created by chapter 14-1 and all of its facilities and functions.

Source: SL 1973, ch 2, § 260.

CHAPTER 2-13

PUBLICATION AND DISTRIBUTION OF ACTS AND SESSION LAWS

2-13-12. Exchange copies of session laws for Supreme Court, legislative research council, and state library—Distribution to libraries.—In addition to the distribution authorized by § 2-13-7, the

bureau of administration shall deliver to the Supreme Court, the director of the legislative research council, and the state library commission, upon proper requisition from time to time, copies of the session laws which may be used in their discretion in exchange for the statutes, codes, or reports of other states, territories, or countries, or for textbooks or other works on law, for the purpose of completing and improving the Supreme Court and legislative reference libraries, for distribution to public and academic libraries in this state and for fulfilling the requirements of chapter 14-1A.

Source: SL 1913, ch 322; 1917, ch 343; RC 1919, § 5120; SDC 1939, § 55.0911; SL 1977, ch 24, § 10.

CHAPTER 4-8

AUTHORITY FOR STATE EXPENDITURES

4-8-6. Use of emergency fund to replace or restore property damaged by elements.—The emergency building fund is continued and shall be used only for the purpose of rebuilding, restoring or repairing buildings, office furniture, library books, and other personal property belonging to the state or which is loaned to the state and in its possession that may be destroyed or injured by fire, lightning, hail, tornado, or any other loss or damage by the elements. In case any such building, office furniture, library books, or other personal property shall be so destroyed or injured, the board or commission having it in charge may, upon the authorization of the Governor and the attorney general, rebuild, restore or repair the same and the payment therefor may be made from the emergency building fund, upon vouchers itemized, certified, and verified as provided by law and approved by such board, the Governor, and the attorney general.

Source: SL 1913, ch 72; RC 1919, § 6892; SL 1921, ch 336; 1929, ch 24; 1931, ch 34; SDC 1939, § 55.2206; SL 1941, ch 301, § 1.

CHAPTER 5-12

SOUTH DAKOTA BUILDING AUTHORITY

5-12-7. Purposes of authority.—The purposes of this authority are:

(1) To build and otherwise provide hospital, housing, penitentiary, administrative, classroom, dining halls, field houses, parking facilities, union buildings, library, recreational, laboratory, office and all other like or similar facilities for use by the state of South Dakota;

(2) To conduct continuous studies into the need for such facilities; and

(3) To serve the Legislature by making reports and recommendations concerning the providing of such facilities.

Source: SL 1967, ch 276, § 2.

CHAPTER 5-23

STATE PURCHASES AND PRINTING

5-23-21. Items and agencies not subject to chapter—Legislative and judicial branch requirements.—The provisions of this chapter shall not apply to the purchase of chemical and biological products, laboratory apparatus and appliances, and library books, or medical supplies; nor the purchase of machinery, raw materials, or containers used by the state cement plant; nor to the purchase of seeds, feeds, livestock, or equipment used in the operation of farms by any state institution; nor to the purchase of tableware by any of charities and corrections; nor to the purchase of materials needed by the division of rehabilitation services for the manufacturing of products, except as provided by rule and regulation of the bureau of administration. The legislative and judicial branches of state government shall have the authority to determine their needs relevant to purchases, printing and lease agreements notwithstanding any conflicting provisions of this chapter, provided however, that the actual procurement shall be made under the supervision of the bureau of administration.

Source: SL 1925, ch 115, ch II, art V, § 13; 1927, ch 74, § 18; SDC 1939, § 55.2801; SL 1939, ch 209, § 1; 1964, ch 159, § 2; 1971, ch 32, § 1; 1975, ch 60.

5-23-32.1. Annual public sale of library materials—Materials available to libraries prior to sale—Listing of items.—The bureau of administration shall annually hold a public sale of library materials including books, films, pamphlets, state and federal documents, journals, pictures, and other printed or audio-visual items that are found unfit for use or are surplus to the needs of any

officer, department, or governing board or commission as described in § 5-24-9; provided that, prior to such sale, a discard center at the state library office shall receive and display those library materials, advertise their location, and allow any library supported in whole or in part by public funds or by Indian tribes to draw from said materials for its collection. In addition, libraries may offer library materials to library-type nonprofit facilities or trade those materials to a vendor for future library material purchasing credits. Transfers to the discard center and from the center to libraries or to the bureau of administration and from the bureau of administration to sale recipients or to destruction shall be in total numbers of items transferred; there shall be no individual listing of items.

The bureau of administration shall promulgate uniform rules and regulations to effectuate the purposes prescribed in this section.

Source: SL 1975, ch 57, §§ 1, 2.

CHAPTER 7-25

COUNTY BUILDINGS AND IMPROVEMENTS

7-25-1. Annual tax levy for construction or improvement of courthouse, office or jail—Fund accumulated—Portion usable for other county buildings.—The board of county commissioners of any county and the county commissioners of any organized county to which any unorganized county is attached may in its discretion provide for an annual tax levy of not to exceed one and one-half mills on the dollar in addition to all other tax levies, the proceeds whereof may be used or paid into a fund for any of the purposes of acquiring a site, constructing, renovating, improving, remodeling, altering, adding to, repairing, erecting or maintaining a courthouse, office or jail building or may be paid into a fund for the purpose of constructing a courthouse, office or jail building. In addition, one mill of the one and one-half mill annual levy may be used or paid into a fund for any of the purposes of acquiring a site, constructing, renovating, improving, remodeling, altering, adding to, repairing, erecting or maintaining county exhibition buildings, 4-H and extension buildings, grandstands and bleachers, highway maintenance buildings, and public libraries; and, may co-operate in a joint undertaking for any of the foregoing purposes with any other county, municipality, or school district.

Source: SL 1911, ch 123, § 1; 1915, ch 126; RC 1919, § 6953; SL 1931, ch 115, § 1; SDC 1939, § 12.2303; SL 1959, ch 31, § 2; 1959, ch 32; 1963, ch 49; 1968, ch 21; 1970, ch 50.

CHAPTER 8-2

POWERS AND OBLIGATIONS OF ORGANIZED TOWNSHIPS

8-2-6. Township public library services.—Each organized township in the state has power to provide for public library services, subject however to the same conditions as provided in chapter 14-2, and all provisions of such chapter, so far as reasonably adapted to townships, apply with reference to the establishment, management, and operation of such library services.

Source: SL 1913, ch 217, §§ 7 to 13; 1915, ch 195, § 2; RC 1919, §§ 9934 to 9940; SDC 1939, § 58.0201 (7); SL 1976, ch 143, § 25.

CHAPTER 9-10

CITY MANAGER

9-10-9. Officers and employees appointed by governing body—Others appointed by city manager.—The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body.

The auditor and the treasurer shall each appoint all deputies and employees in his office.

All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

Source: SL 1935, ch 158, § 7; SDC 1939, § 45.0908.

CHAPTER 9-12

GENERAL POWERS OF MUNICIPALITIES

9-12-15. Power to maintain library.—Every municipality shall have power to establish and maintain a municipal library, in the manner and subject to the conditions provided in chapter 14-2.

Source: SDC 1939, § 45.0201 (104); SL 1976, ch 143, § 26.

CHAPTER 9-38

MUNICIPAL PARKS AND RECREATIONAL FACILITIES

9-38-5. Libraries, museums and art galleries in parks.—The governing body shall have authority to authorize the building and maintenance of public libraries, museums, and art galleries in any park. However, in cities of the first class, where a park board has been established according to law, such board shall be consulted by the governing body before action is taken authorizing any such building.

Source: SDC 1939, § 45.2522 as added by SL 1967, ch 222, § 2.

9-38-33. Purposes for which acquired land used.—The lands which may be selected and obtained under the provisions of this chapter shall be used solely for parks, parkways, and boulevards, and for public libraries, museums, and art galleries.

Source: SL 1915, ch 260, § 46; RC 1919, § 6490; SL 1927, ch 173; SDC 1939, § 45.2521; SL 1967, ch 222, § 1.

CHAPTER 12-17A

ELECTRONIC VOTING SYSTEMS

12-17A-7. Public demonstration of system before election.—When an electronic voting system is to be used in a forthcoming election, the person in charge of the election may provide, for the purpose of instructing voters in such election, one demonstrator electronic voting system marking device for placement in any public library or other public place within the political subdivision in which the election occurs. If such a placement of a demonstrator takes place it shall be made available at least thirty days before the election.

Source: SL 1975, ch 126, § 13.

CHAPTER 13-1

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

13-1-31. School library supervision.—The state board of education shall have supervision over school libraries and shall adopt such rules as it deems necessary to govern them.

Source: SDCSupp 1960, § 15.0803 as added by SL 1967, ch 37, § 1; 1975, ch 128, § 10.

CHAPTER 13-21

DISPOSAL OF SCHOOL DISTRICT PROPERTY

13-21-10. Library materials discarded—Marking required—Disposition.—Any school district library may discard over-duplicated, outdated, inappropriate, or worn library materials; provided, that such materials shall be marked clearly with the words: "Discarded, _____ School District Library" wherever the property label of such library appears. Such discarded materials may be given to other libraries or to nonprofit agencies, destroyed, offered for public sale, or traded to a vendor for future library material purchasing credits.

Source: SL 1977, ch 127.

CHAPTER 13-53

ADMINISTRATION OF STATE INSTITUTIONS

13-53-2. Unnecessary duplication of departments and facilities prohibited.—The board of regents is expressly forbidden to continue or to create chairs, departments, laboratories, libraries, or other equipment in multiplication, except where the obvious needs of the special work of the school make such multiplication necessary.

Source: SL 1897, ch 58, § 13; RPolC 1903, § 211; RC 1919, § 5578; SDC 1939, § 15.0713.

CHAPTER 13-55

SCHOLARSHIPS AND FREE TUITION AT STATE INSTITUTIONS

13-55-11. Free tuition and fees for visually impaired persons—Credit hours to which entitled—Qualifying degree of impairment. —Any visually impaired resident of this state who possesses the entrance requirements for admission to any educational institution of the state under supervision of the state board of regents shall be permitted to enter and pursue any course of study offered by such institution without payment of tuition, library fees, registration fees, or any other fees that other students are required to pay directly to such institution until he or she has received two hundred twenty-five semester hours of credit or its equivalent. Any person shall be deemed to be visually impaired within the meaning of this section who cannot, with use of correcting glasses, see sufficient to perform ordinary activities for which eyesight is essential.

Source: SL 1939, ch 52, §§ 1, 2; 1957, ch 48; SDCSupp 1960, § 15.0717-1; SL 1970, ch 110, § 1.

CHAPTER 14-1

STATE LIBRARY OFFICE

14-1-39. Definition of terms.—Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

(1) "Academic library," a library that supports the curriculum and research needs of a college, university, or other post-secondary educational institution;

(2) "Libraries," public, school, academic and special libraries when all libraries are to be involved collectively;

(3) "Library materials," the various forms in which knowledge and information are recorded;

(4) "Library service," the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele;

(5) "Public library," any library that serves free of charge all residents of a chartered governmental unit, county, municipality, township, or a combination of any of the above, and receives its financial support in whole or in part from public funds;

(6) "School library," any library that supports the curriculum of a school or a group of schools;

(7) "Special library," any library that supports the research needs of an industry, governmental agency, or other non-educational agency or institution; and,

(8) "State library agency," the state library office.

Source: SL 1975, ch 155, § 1.

14-1-40. State policy on libraries.—The policy of the state of South Dakota shall be that:

(1) Library services should be available widely throughout the state to bring within convenient reach of the people cultural, informational and educational resources essential to the improvement of their quality of life;

(2) The provision and support of library services should be a necessary function of government at all levels;

(3) The joint exercise of governmental powers under chapter 1-24 shall be encouraged where such action will increase the extent of library materials and services in a fair and equitable manner through co-operation between units of government and between and among libraries;

(4) Co-operation among and between libraries shall be encouraged and promoted by the state library agency; and

(5) Library services suitable to support informed decisions by the Legislature and the personnel of government shall be provided by the state library agency.

Source: SL 1975, ch 155, § 2.

14-1-41. Free use of all public libraries.—The use by the public of all libraries established and maintained by the state, counties, townships, municipalities and chartered governmental units under the provisions of this code, subject to such reasonable rules and regulations as may be prescribed by the authorized commission or board in charge of such libraries shall be free except as otherwise expressly provided by law.

Source: SL 1887, ch 56, § 4; CL 1887, § 1145; SL 1913, ch 217, §§ 1, 2; RC 1919, § 9918; SDC 1939, § 29.0311; SDCL, § 14-1-1; SL 1975, ch 155, § 4.

14-1-42. State library office as official agency for library services.—The state library office is the official agency of the state which is hereby charged with the extension and development of library services throughout the state.

Source: SL 1975, ch 155, § 3.

14-1-43. Commission and facilities as state library office.—The state library commission and all of its facilities and functions comprise the state library office of the division of cultural affairs of the department of education and cultural affairs.

Source: SL 1973, ch 2, § 260; SDCL Supp, § 14-1-2.1.

14-1-44. Execution of state library policy—Duties of library office.—The state library office shall be responsible for executing the library policy of the state of South Dakota and shall:

(1) Promote adequate library service for all the people of the state;
(2) Supplement the services of libraries throughout the state;
(3) Increase the proficiency of library personnel through provision of in-service and continuing education programs for library personnel employed in the state;
(4) Provide for the citizens of the state specialized library services and materials not generally appropriate, economical or available in other libraries of the state;
(5) Co-ordinate the libraries maintained by the executive department of state government within the governmental complex in Pierre;
(6) Establish and operate a state publications library distribution center; and
(7) Collect and publish annual statistical data of libraries in the state.

Source: SL 1975, ch 155, § 23.

14-1-45. Services to state government.—The state library office shall provide library service to the Legislature and to the personnel of state government.

Source: SL 1907, ch 185, § 1; RC 1919, § 9922; SDC 1939, § 29.0306; SL 1966, ch 109; SDCL, § 14-1-16; SL 1975, ch 155, § 15.

14-1-46. Advice and assistance to libraries and governmental agencies.—The state library office shall provide advice and assistance to libraries, library boards, units of local government empowered to establish libraries and to departments and agencies of state government in matters concerning the establishment, support, operation, improvement and co-ordination of libraries and library services, and in the co-operation between libraries.

Source: SL 1913, ch 217, § 5; 1915, ch 195, § 1; RC 1919, § 9916; SDC 1939, § 29.0303 (6); SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCSupp 1960, § 29.0303 (7); SDCL, § 14-1-24; SL 1975, ch 155, § 16.

14-1-47. Collections maintained by state office.—The state library office shall maintain appropriate collections of library materials to supplement the collections of other libraries in the state and to meet the research and information needs of the Legislature and the employees of state government.

Source: SL 1905, ch 164, § 3; RC 1919, § 9921; SDC 1939, § 29.0307; SDCL, § 14-1-15; SL 1975, ch 155, § 14.

14-1-48. Network to make library resources available to citizens.—The state library office shall provide a network and system where-

by the resources of libraries in this state are made available to the citizens of the state.

Source: SDC 1939, § 29.0303 (8) as added by SL 1967, ch 126; SDCL, § 14-1-32; SL 1975, ch 155, § 21.

14-1-49. State participation in interstate networks and systems.—The state library office shall provide for state participation in regional, national, or international library networks and systems designed to increase the quality of library services for the citizens of the state.

Source: SDC 1939, § 29.0303 (8) as added by SL 1967, ch 126; SDCL, § 14-1-29; SL 1975, ch 155, § 18.

14-1-50. Services for visually and physically handicapped.—The state library office shall provide for library services to the visually and physically handicapped.

Source: SDC 1939, § 29.0303 (8) as added by SL 1967, ch 126; SDCL, § 14-1-31; SL 1975, ch 155, § 20.

14-1-51. Libraries in penal and charitable institutions and special schools.—The state library office shall establish, improve and supervise suitable libraries to be maintained by the state in the penal and charitable institutions and in the special schools supported in whole or in part by the state, with the consent and subject to such rules and regulations as may be made by the boards responsible for such institutions.

Source: SDC 1939, § 29.0303 (8) as added by SL 1967, ch 126; SDCL, § 14-1-30; SL 1975, ch 155, § 19.

14-1-52. Annual report of state office.—The state library office shall provide an annual report to the Governor.

Source: SL 1913, ch 217, § 6; 1917, ch 332; RC 1919, § 9917; SDC 1939, § 29.0304; SDCL, § 14-1-38; SL 1975, ch 155, § 22.

14-1-53. Acceptance of gifts for library.—The state library office may accept gifts of books, other library materials, money or property for the use of the state library.

Source: SL 1913, ch 217, § 5; 1915, ch 195, § 1; RC 1919, § 9916; SDC 1939, § 29.0303 (1); SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-14; SL 1975, ch 155, §13.

14-1-54. State office to receive federal and private funds—Purposes—Disbursement.—The state library office may apply for federal or private funds and accept and enter into appropriate agreements for library purposes in the state or its political subdivisions or for any activity appropriate to a state library agency in behalf of the state for the receipt of such funds from the federal govern-

ment or its agencies or any private source available, and supervise the disbursement of such funds.

Source: SDC 1939, § 29.0303 (8) as added by SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-26; SL 1975, ch 155, § 17.

14-1-55. State library commission created—Appointment and terms—Districts represented.—The Governor shall appoint seven persons who shall constitute the state library commission. The terms of office for six members shall be for overlapping six-year terms, one being appointed on the first day of January of each year. Members shall not be eligible for reappointment to consecutive terms. Appointments shall broadly represent the citizens of the state, provided that one shall come from the counties of Brookings, Clark, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Miner or Moody; one from the counties of Clay, Lincoln, McCook, Minnehaha, Turner or Union; one from the counties of Aurora, Bon Homme, Brule, Charles Mix, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Sanborn, or Yankton; one from the counties of Beadle, Brown, Day, Edmunds, Faulk, Hand, McPherson, Marshall, Roberts or Spink; one from the counties of Buffalo, Campbell, Corson, Dewey, Haakon, Hughes, Hyde, Jones, Lyman, Mellette, Perkins, Potter, Stanley, Sully, Todd, Tripp, Walworth or Ziebach; and one from the counties of Bennett, Butte, Custer, Fall River, Harding, Jackson, Lawrence, Meade, Pennington, Shannon or Washabaugh; and no more than one may be a member of the library profession. The seventh member shall be the secretary of the department of education and cultural affairs.

Source: SL 1913, ch 217, § 3; RC 1919, § 9914; SDC 1939, § 29.0301; SL 1943, ch 111, § 1; 1957, ch 145, § 1; SDCL, § 14-1-2; SL 1975, ch 155, § 5.

14-1-56. Office of state commission.—The state library commission shall maintain its office in the state library at the capital of the state.

Source: SL 1913, ch 217, § 4; RC 1919, § 9915; SDC 1939, § 29.0302; SL 1941, ch 138, § 1; 1943, ch 111, § 2; 1957, ch 145, § 2; SDCL, § 14-1-5; SL 1975, ch 155, § 6.

14-1-57. Meetings of state commission—Quorum.—The state library commission shall meet in each quarter of the year on a date set by its chairman. Special meetings may be called whenever deemed necessary by the state librarian, or shall be called at the written request of three members of the commission. A majority of the state library commission shall be a quorum for the transaction of business.

Source: SDC 1939, § 29.0302 as added by SL 1941, ch 138, § 1; 1943, ch 111, § 2; 1957, ch 145, § 2; SDCL, § 14-1-6; SL 1975, ch 155, § 7.

14-1-58. Compensation and expenses of appointed commission members.—All appointed members of the state library commission are entitled to compensation and expenses as provided in § 4-7-10.4.

Source: SDC 1939, § 29.0302 as added by SL 1957, ch 145, § 2; SDCL, § 14-1-7; SL 1975, ch 155, § 8.

14-1-59. Supervisory and policy-making functions of commission.—The state library commission shall be the supervisory and policy-making body of the state library office and shall:

(1) Formulate general policies for the state library;

(2) Make rules and regulations under which state library services and materials may be used by citizens and by libraries in the state, under which administration and execution of federal or private funds or programs that may be received by the state library may be carried out, and under which libraries of the state may have access to systems and networks provided outside the state by the state library;

(3) Review and approve budget requests for the state library; and

(4) Adopt a long-range plan for the state-wide co-ordination and development of library services.

Source: SL 1913, ch 217, § 5; 1915, ch 195, § 1; RC 1919, § 9916; SDC 1939, § 29.0303 (1); SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-13; SL 1975, ch 155, § 12.

14-1-60. General powers of commission.—The state library commission may:

(1) Contract, under such terms and conditions as may be suitable, with any person, any library, any state department, any unit of local government empowered to establish a library, or any library board to provide library services, to extend, improve or co-ordinate library services, or to demonstrate appropriate programs of library service;

(2) Enter into library agreements pursuant to the interstate library compact;

(3) Appoint any advisory councils it may deem necessary or may find are required for receipt of federal or private funds or programs; and

(4) Accept gifts of library materials, money or property for the use of the state library.

Source: SL 1975, ch 155, § 24.

14-1-61. Appointment and compensation of state librarian.—The state library commission shall appoint the state librarian to serve at the pleasure of the commission and fix the compensation of the state librarian as provided in § 4-7-10.1.

Source: SDC 1939, § 29.0303 (2) as added by SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-9; SL 1975, ch 155, § 9.

14-1-62. Professional qualifications of state librarian.—The state librarian shall be a graduate of a library school accredited by the American Library Association and shall have experienced at least five years of professional employment in a public library or a state library agency and, in addition, at least two years of successful administrative employment in a public library or a state library agency.

Source: SDC 1939, § 29.0303 (9) as added by SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-10; SL 1969, ch 125; 1975, ch 155, § 10.

14-1-63. Powers and duties of state librarian.—The state librarian shall:

(1) Serve as secretary of the state library commission;

(2) Serve as supervisor of the state library office under the direction of the state library commission and in accordance with the policies of said commission;

(3) Record the proceedings of the state library commission, keep an accurate account of the financial transactions, and perform such other duties as said commission may assign;

(4) Be authorized to approve the vouchers for all expenditures made in connection with the state library office and those contracts and agreements the state library commission has approved;

(5) Execute the provisions set forth in this chapter;

(6) Employ and compensate, in accordance with the provisions of chapter 3-6A and within available appropriations, such personnel as are deemed desirable and necessary to provide the services of the state library office; and

(7) Carry out such other activities authorized by law that the state library commission considers appropriate in the development of library services for the citizens and government of the state.

Source: SDC 1939, § 29.0303 (9) as added by SL 1941, ch 138, § 2; 1953, ch 175, § 1; SDCL, § 14-1-11; SL 1969, ch 125; 1975, ch 155, § 11.

CHAPTER 14-1A

STATE PUBLICATIONS LIBRARY DISTRIBUTION CENTER

14-1A-1. Definition of terms.—Terms as used in this chapter, unless the context otherwise requires, mean:

(1) "Print," all forms of printing and duplicating, including audio-visual materials, regardless of format or purpose, with the exception of correspondence and interoffice memoranda;

(2) "State publication," any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, microphotographic form, tape or disc recording, book, proceedings, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine published, issued, in print, or purchased for distribution, by the state, the Legislature, constitutional officers, any state department, committee or other state agency supported wholly or in part by public funds;

(3) "State agency," includes, but is not limited to, the Legislature, constitutional officers, and any department, division, bureau, board, commission, committee, or agency of the state of South Dakota;

(4) "Center," the state publications library distribution center.

Source: SL 1974, ch 150, § 1.

14-1A-2. Publications distribution center created—Purpose—Rules and regulations.—There is hereby created as a section of the state library, and under the direction of the state librarian, a state publications library distribution center. The center shall promote the establishment of an orderly depository library system. To this end the state library commission shall adopt rules and regulations necessary to carry out the provisions of this chapter.

Source: SL 1974, ch 150, § 2.

14-1A-3. Deposits of state agency publications and audio-visual materials.—Every state agency shall upon release, deposit at least fourteen copies of each of its state publications, with the state library for record and depository system purposes, with the exception of audio-visual materials. At least two copies of audio-visual materials shall be deposited with the state library for record and depository system purposes.

Source: SL 1907, ch 185, § 2; RC 1919, § 9923; SDC 1939, § 29.0306; SDCL, § 14-1-17; SL 1969, ch 126; 1974, ch 150, § 3.

14-1A-4. Publication lists and mailing lists to be furnished by state agencies.—Upon request by the center, each issuing state agency shall furnish the center with a complete list of its current state publications and a copy of its mailing and exchange lists.

Source: SL 1974, ch 150, § 6.

14-1A-5. Institutions and libraries to receive copies of documents—Retention of permanent copies.—The center shall assure that the university of South Dakota at Vermillion and the library of congress shall each receive two copies and that the historical resource center and the center for research libraries at Chicago shall each receive one copy of each document with the exception of audio-visual materials. The university of South Dakota at Vermillion and the historical resource center shall each retain

permanently at least one copy of each document distributed by the center for the purpose of historical research. Permanent retention may be encompassed through use of microforms.

Source: SL 1974, ch 150, § 4; 1976, ch 142.

14-1A-6. Depository library contracts — Requirements. — The center shall enter into depository contracts with any municipal or county free library, state college or state university library, the library of congress and the center for research libraries, and other state libraries. The requirements for eligibility to contract as a depository library shall be established by the state library commission. The standards shall include and take into consideration the type of library, ability to preserve such publications and to make them available for public use, and also such geographical locations as will make the publications conveniently accessible to residents in all areas of the state.

Source: SL 1974, ch 150, § 4.

14-1A-7. Distribution of state publications list.—The center shall publish and distribute regularly to contracting depository libraries and other libraries upon request a list of available state publications.

Source: SL 1974, ch 150, § 5.

14-1A-8. General public distribution prohibited.—The center shall not engage in general public distribution of either state publications or lists of publications.

Source: SL 1974, ch 150, § 7.

14-1A-9. Distributions by Governor, secretary of state, and bureau of administration unaffected.—This chapter shall not apply to nor affect the duties concerning publications distributed by the Governor in connection with duties described in § 1-7-3, the secretary of state in connection with duties described in § 1-28-14, or the bureau of administration in § 5-23-27.

Source: SL 1974, ch 150, § 8.

CHAPTER 14-2

PUBLIC LIBRARIES

14-2-27. Definition of terms.—Terms as used in this chapter, unless the context otherwise plainly requires, shall mean:

(1) "Governing body," the commission, council or other elected

body which governs a local governmental unit;

(2) "Librarian," the chief administrative officer of a public library;

(3) "Local governmental unit," any chartered governmental unit, county, or municipality, or two or more of them, if applicable, of the state of South Dakota;

(4) "Public library," any library that serves free of charge all residents of a local governmental unit and receives its financial support in whole or in part from public funds made available by the governing body of that unit;

(5) "Public library materials," the various forms in which knowledge, information, and humanity's cultural heritage are recorded that a public library might acquire, organize and make available to its clientele;

(6) "Public library services," the performance of all activities of a public library relating to the collection and organization of public library materials and to making those materials and the information contained in them available to its clientele.

Source: SL 1976, ch 143, § 1.

14-2-28. Existing libraries covered by chapter—Changes to effect compliance—Terms of previous contracts unaffected.—Every existing public library shall be considered to be established under this chapter, and the public library board of trustees and the governing body of the local governmental unit in which the library is located shall make any changes necessary to effect compliance with the terms of this chapter. Nothing contained in this chapter shall affect nor change the terms of any library contract executed prior to July 1, 1976, but, by mutual consent, the parties to such contract may nevertheless amend such contract to make it conform to any or all of the provisions of this chapter.

Source: SL 1976, ch 143, § 24.

14-2-29. Optional methods of providing library service.—Any governing body may provide public library services by either:

(1) Establishing a public library;

(2) Contracting with an established public library for extension of its services and loan of its materials to the citizens of the contracting local governmental unit; or

(3) Joining with one or more governing bodies under the provisions of chapter 1-24 to establish a joint public library.

Source: SL 1976, ch 143, § 2.

14-2-30. Resolution or ordinance to provide services.—Any governing body may provide for public library services under one of the options offered in § 14-2-29 by passing and entering upon its minutes a resolution or ordinance to that effect.

Source: SL 1976, ch 143, § 3.

14-2-31. Services provided on approval by voters.—A governing body shall provide for library services under one of the options offered in § 14-2-29 if a majority of its electors at any general election affirmatively answer the question: "Shall the (local governmental unit) provide public library services?"

Source: SL 1976, ch 143, § 5.

14-2-32. Petition to require referendum on library services—Referendum on motion of governing body.—A governing body shall enter an order for the question as set forth in § 14-2-31 to be placed on the ballot at the next general election upon receipt of a petition signed by a number of registered voters equal to not less than five per cent of the total number of votes cast within the boundaries of the local governmental unit for all candidates for Governor at the last certified gubernatorial election or may enter such order upon its own motion.

Source: SL 1887, ch 56, § 1; CL 1887, § 1142; SL 1901, ch 178, § 1; R PolC 1903, §§ 1400, 1527; SL 1907, ch 184; 1913, ch 217, § 13; RC 1919, § 9934; SDC 1939, § 45.3101; SL 1963, ch 284; SDCL, § 14-4-1; SL 1976, ch 143, § 4.

14-2-33. County containing municipalities with libraries—Petition and election outside municipality only—Election of municipality to be included.—When a county is the local governmental unit petitioned under the provision of § 14-2-32 and that county contains within its geographical boundaries one or more municipalities which provide and support public library services, then the petition shall be signed only by those people living outside of, and the election mandated in § 14-2-31 shall be held only outside of, the boundaries of such municipality or municipalities; provided, however, that by a resolution of the governing body of a municipality, such municipality may be included in the election and if a majority of both county and municipal electors, voting separately, vote to provide county library services then such municipal public library services shall cease and henceforth be provided the municipality by the county governmental unit.

Source: SL 1976, ch 143, § 6.

14-2-34. Services continued by chartered governmental units.—Any local governmental unit which becomes a, or part of a, chartered governmental unit shall continue to provide public library services as provided by this chapter.

Source: SL 1976, ch 143, § 23.

14-2-35. Board of public library trustees—Appointment and terms of members.—Any public library established under subdivision (1) of § 14-2-29 shall be governed by a board of public library trustees. The governing body shall appoint five competent citizens broadly representative of the population of the local governmental unit. One of the citizens shall be appointed for one year, two for two years, and two for three years and annually thereafter

reappointments or new appointments shall be for a term of three years or to complete an unexpired term. In addition to the five appointees, the governing body may appoint one of its own members to serve as a full voting member of the public library board of trustees during that member's term of office.

Source: SL 1887, ch 56, § 2; CL 1887, § 1143; SL 1901, ch 173, §§ 2, 3; R PolC 1903, §§ 1401, 1402; SL 1913, ch 217, § 7; 1915, ch 195, § 2; 1917, ch 293, § 2; RC 1919, §§ 9928, 9935; SL 1921, ch 163, § 2; SDC 1939, §§ 12.2502, 45.3102; SDCL, §§ 14-3-6, 14-4-3; SL 1976, ch 143, § 10.

14-2-36. Contract with established library—Annual appointment of additional trustees—Number proportional to contributed funds.—If a governing body contracts with an established public library under subdivision (2) of § 14-2-29, it may annually appoint additional members to the contracted public library board of public library trustees; provided, that the number of trustees appointed shall be in proportion to its part of the total funds made available during each year by both parties for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of public library quarters.

Source: SL 1921, ch 163, § 6; SDC 1939, § 12.2506; SDCL, § 14-3-4; SL 1976, ch 143, § 11.

14-2-37. Joint public library—Board of trustees—Proportional appointment.—If one or more governing bodies join under the provision of chapter 1-24 to create a joint public library, the joint public library shall be governed by a board of public library trustees appointed respectively by each participating governing body in a number proportional to the funds provided by that governing body to the total of the joint public library's funds for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of public library quarters.

Source: SL 1959, ch 167, § 4; SDC Supp 1960, § 29.03A04; SDCL, § 14-2-2; SL 1976, ch 143, § 12.

14-2-38. School board contracts for library services—Proportional appointment of trustees by board—Maximum number.—A school board of any school district may contract with any board of public library or joint library trustees for provision of any or all school library services. If twenty per cent or more of the cost of providing these combined school and public library services shall be borne by the school district, then the school board may annually appoint additional members to the board of public library trustees in proportion to the school district's part of the total funds made available during each year by both parties for the combined school and public library services, for the purchase of school and public library materials, and for the provision and maintenance of quarters for the combined library; provided, how-

ever, that the school board shall not appoint more than seven members to the board.

Source: SL 1913, ch 217, § 7; 1915, ch 195, § 2; RC 1919, § 9935; SDC 1939, § 45.3103; SDCL, § 14-4-14; SL 1976, ch 143, § 22.

14-2-39. Per diem and expenses of trustees.—Members of public library boards of trustees may receive per diem and expenses in the performance of their duties in amounts set by their respective governing bodies.

Source: SL 1887, ch 56, § 2; CL 1887, § 1143; SL 1901, ch 173, §§ 2, 3; RPolC 1903, §§ 1401, 1402; SL 1913, ch 217, § 7; 1915, ch 195, § 2; 1917, ch 293, § 2; RC 1919, §§ 9928, 9935; SL 1921, ch 163, § 2; SDC 1939, §§ 12.2502, 45.3102; SL 1959, ch 167, § 4; SDCSupp 1960, § 29.03A04; SL 1966, ch 29, § 1; SDCL, §§ 14-2-6, 14-3-11, 14-4-3; SL 1975, ch 156; 1976, ch 143, § 13.

14-2-40. Duties of trustees.—Each board of public library trustees shall:

(1) Appoint a librarian to serve at the pleasure of the board;

(2) Adopt bylaws for the conduct of their business and adopt policies for the selection of public library materials, the governance of the library, and the use of public library services and materials;

(3) Prepare and submit an annual budget request to its governing body;

(4) Adopt a final annual budget within those funds certified to it as being appropriated in the annual budget of its governing body;

(5) Meet at least once during each quarter of the year;

(6) Prepare and submit an annual report to its governing body and to the South Dakota state library on such forms as may be provided by the state library.

Source: SL 1901, ch 173, §§ 1, 4; RPolC 1903, §§ 1400, 1403; SL 1913, ch 217, §§ 8, 9, 12; 1917, ch 292, §§ 4, 5, 7; RC 1919, §§ 9930, 9931, 9933, 9936, 9937, 9940; SL 1921, ch 163, §§ 2, 4, 5, 7; SDC 1939, §§ 12.2502 to 12.2505, 45.3104, 45.3105, 45.3108; SL 1955, ch 23; 1957, ch 252, § 1; 1959, ch 167, §§ 5 to 7, 11; SDCSupp 1960, §§ 29.03A05, 29.03A06 (1), (3), 29.03A07, 29.03A11; SDCL, §§ 14-2-7, 14-2-8, 14-2-12, 14-2-24, 14-2-26, 14-3-10, 14-3-14, 14-3-15, 14-3-19, 14-4-4, 14-4-5, 14-4-12, 14-4-15; SL 1974, ch 151; 1976, ch 143, § 14.

14-2-41. Powers of trustees.—Each board of public library trustees may:

(1) Accept any gift, grant, devise or bequest made or offered by any person, private agency, agency of state government, the federal government or any of its agencies, for library purposes. Each donation shall be administered in accordance with its terms;

(2) Establish a special public library gift fund. The moneys in such fund shall be derived from all or any part of any

gift, bequest or devise, including the interest thereon. Such gift fund shall be a separate and continuing fund and no moneys in such fund shall revert to the general fund of any local governmental unit;

(3) Enter into an interstate library agreement pursuant to § 14-7-12, Article VI;

(4) Establish a collection of public library materials to be loaned on a pay basis and make reasonable charge for use thereof;

(5) Enter into any contracts for the provision of or for the improvement of public library services.

Source: SL 1913, ch 217, § 8; 1917, ch 293, § 4; RC 1919, §§ 9930, 9936; SL 1921, ch 163, § 4; SDC 1939, §§ 12.2503, 45.3104; SL 1959, ch 167, §§ 3, 6; 1959, ch 277, § 1; SDCSupp 1960, §§ 29.03A03, 29.03A06 (2), (4), (6), (7), (9), (10), 45.3109; SDCL, §§ 14-2-11, 14-2-13, 14-2-19 to 14-2-23, 14-3-14, 14-4-11 to 14-4-13; SL 1969, ch 127; 1976, ch 143, § 15.

14-2-42. Duties of librarians.—Each librarian shall:

(1) Serve as secretary to the board of public library trustees and keep all its records;

(2) Prepare such reports, budgets and other documents as are required by the board of public library trustees or are required of said board by its governing body;

(3) Appoint such staff as are necessary to operate the public library within its budgetary limitations. Library employees shall receive any employee benefits provided all employees of the local governing unit;

(4) Select and purchase all public library materials for use by the library in its provision of public library services within policies established by the board of public library trustees;

(5) Publish and enforce the policies of the board of public library trustees;

(6) Execute all contracts and agreements approved by the board of public library trustees;

(7) Keep an accurate account of the financial transactions of the public library; and

(8) Carry out any other activities authorized by law that the board of public library trustees consider appropriate in the development, improvement, and provision of public library services.

Source: SL 1901, ch 173, § 4; RPolC 1903, § 1403; SL 1913, ch 217, § 8; 1917, ch 293, § 4; RC 1919, §§ 9930, 9936; SL 1921, ch 163, §§ 2, 4; SDC 1939, §§ 12.2502, 12.2503, 45.3104; SL 1959, ch 167, §§ 6, 9; SDCSupp 1960, §§ 29.03A06 (3), (4), 29.03A09; SDCL, §§ 14-2-8, 14-2-9, 14-2-19, 14-3-10, 14-3-13, 14-4-4, 14-4-11; SL 1976, ch 143, § 16.

14-2-43. Quarters for library—Location—Selection and approval.—Each local governmental unit shall provide and maintain quarters for its public library. Such quarters shall be accessible to and conveniently located for all citizens of the area to be served and shall be selected by the board of public library trustees and approved by the governing body.

Source: SL 1913, ch 217, § 8; 1917, ch 293, § 4; RC 1919, §§ 9930, 9936; SL 1921, ch 163, § 4; SDC 1939, §§ 12.2503, 45.3104; SL 1959, ch 167, § 6; SDCSupp 1960, § 29.03A06 (5); SDCL, §§ 14-2-17, 14-3-12, 14-4-11; SL 1976, ch 143, § 17.

14-2-44. Bond issuance for building construction—Use of municipal revolving funds or county tax levies.—A local governmental unit may issue bonds under the provisions of chapter 7-24 or 9-26 for the purpose of constructing a public library building. Funds or tax levies authorized by §§ 7-25-1 and 9-43-68 may be used for the construction of public library buildings.

Source: SL 1887, ch 56, § 1; CL 1887, § 1142; SL 1901, ch 173, §§ 1, 6, 8; RPolC 1903, §§ 1400, 1405, 1407; SL 1913, ch 217, § 11; 1917, ch 293, § 5; RC 1919, §§ 9931, 9939; SL 1921, ch 163, § 5; SDC 1939, §§ 12.2504, 45.3107; SL 1951, ch 248, §§ 1, 3; 1955, ch 23; 1957, ch 252, § 2; SDCSupp 1960, § 45.0201-1 (8); SL 1967, ch 22; SDCL, §§ 14-2-22.1, 14-3-16, 14-4-7, 14-4-8, 14-4-10; SL 1969, ch 25; 1969, ch 127; 1976, ch 143, § 18.

14-2-45. Long-term lease for building acquisitions—Maximum term—Property included—Rent payment sources.—Any governing body or the board of trustees of a joint library with the permission of each of its participating governing bodies shall have the power to enter into a long-term lease, for a term not to exceed thirty years, with or without an option to renew or purchase, for the acquisition of public library buildings. The lease may be for real or personal property, or both, and may cover library building and site or building and contents only, with or without books, furniture or equipment and may provide for the erection of a public library building and equipping the same with furniture and books of such a public library upon a site owned by the local government unit or the joint library. A lease may be entered into for an existing building or for one to be erected in the future. Rent paid under the terms of a lease may be paid from the general fund of the local governmental unit or may be paid from any fund established for the purpose of providing public library services or the construction of a library.

Source: SL 1969, ch 128; SDCL Supp, §§ 14-2-11.1, 14-3-2.1, 14-4-2.1; SL 1976, ch 143, § 19.

14-2-46. Building funds—Appropriations—Continuation of previously established funds—Transfer of surplus to other funds.—Any local governmental unit may establish a public library building fund and make appropriation to such fund. Any public library building funds established under previous law shall be continued and new appropriations may be made to them. If at any time

a board of public library trustees ascertains that a building fund or a part thereof is not necessary, it may request its governing body to transfer all or any part of the fund to any other fund for the purpose of providing public library services or for purchase of public library materials and, upon receipt of such request, the governing body shall complete the requested transfer.

Source: SL 1901, ch 173, § 6; RPol C 1903, § 1405; SL 1951, ch 248, §§ 1, 3; SDCSupp 1960, § 45.0201-1 (8); SDCL, §§ 14-4-8, 14-4-10; SL 1976, ch 143, § 20.

14-2-47. Funds used for services—Tax levy—Public library fund.—A governing body may use any funds, not otherwise restricted, available to it and may, in addition, levy a tax upon the taxable property of the local governmental unit not to exceed in any one year a rate of three mills for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of quarters for the public library. All such revenue shall be placed in a public library fund.

Source: SL 1887, ch 56, § 1; CL 1887, § 1142; SL 1901, ch 173, §§ 1, 8; RPol C 1903, §§ 1400, 1407; SL 1913, ch 217, § 11; 1917, ch 293, § 5; RC 1919, §§ 9931, 9939; SL 1921, ch 163, § 5; SDC 1939, §§ 12.2504, 45.3107; SL 1951, ch 248, § 1; 1955, ch 23; 1957, ch 252, § 2; 1959, ch 167, § 7; SDCSupp 1960, §§ 29.03A07, 45.0201-1 (8); SL 1967, ch 22; SDCL, §§ 14-2-12, 14-3-16, 14-3-18, 14-4-7, 14-4-8; SL 1969, ch 25; 1976, ch 143, § 8.

14-2-48. County levy applied only outside municipalities levying library tax.—If a county is the local governmental unit taxing under the provisions of § 14-2-47 and that county contains within its geographical boundaries one or more municipalities which under those provisions, then the county library tax shall be levied only outside the boundaries of the municipality.

Source: SL 1917, ch 293, § 5; RC 1919, § 9931; SL 1921, ch 163, § 5; SDC 1939, § 12.2504; SL 1955, ch 23; SDCL, § 14-3-17; SL 1976, ch 143, § 9.

14-2-49. Discard of old library materials—Marking—Disposition.—Any public library may discard over-duplicated, outdated, inappropriate, or worn library materials; provided, that such materials shall be marked clearly with the words: "Discarded, ———— public library" wherever the property label of such library appears. Such discarded materials may be given to other libraries or to nonprofit agencies, destroyed, offered for public sale, or traded to a vendor for future library material purchasing credits.

Source: SL 1976, ch 143, § 21; 1977, ch 127.

14-2-50. Discontinuance of services by vote.—Public library services provided for under this chapter may be discontinued only after a vote of the electors of the governmental unit in which the services are provided, taken in the manner prescribed in §§ 14-2-31 and 14-2-32.

Source: SL 1976, ch 143, § 7.

*Changes in effect July 1, 1978, as passed by the Fifty-third Legislative Assembly, 1978.

CHAPTER 14-6

COUNTY LAW LIBRARY

14-6-1. County lawbook and law library fee—Circuit court judges to order collection—Amount.—Upon order of the presiding judge of the circuit court made and filed in the office of the clerk of courts of any county within the circuit of which such county is a part, it shall be the duty of the clerk of courts of such county to collect in each civil action, proceeding for judicial remedy and probate proceeding, except such as commenced by the state or county or municipality or school district therein, in the manner in which other fees are collected therein and in addition thereto, as a county lawbook and county law library fee, the sum of not to exceed one dollar in actions commenced pursuant to chapter 15-39 and the sum of not to exceed three dollars in all other civil actions, proceedings for judicial remedy and probate proceedings, from the plaintiff or person instituting such action or proceeding at the time of filing the first paper therein.

Source: SL 1968, ch 146; 1975, ch 161, § 6; 1976, ch 144.

14-6-2. Law book and law library fees taxable as costs.—The law book and law library fees provided for in § 14-6-1 shall be costs in the case, and taxable as such.

Source: SL 1968, ch 146.

14-6-3. Disposition of law book and library fees—County law book and law library fund.—On the first day of each month, the clerk of courts making collection of such law book and library fees shall pay the same to the treasurer of the county taking his receipt therefor and the county auditor shall keep such fees so remitted in a separate revolving county law book and law library fund to be disbursed for the purposes and in the manner provided in § 14-6-4.

Source: SL 1968, ch 146.

14-6-4. Use of county law book and law library fund—Acceptance of gift, donations and bequests authorized.—Such fund shall be used at the direction of the circuit judges and as by them deemed necessary for the purchase of law books and/or to pay the necessary expenses of equipping and maintaining a law library in the courthouse or other suitable place provided by the county, or other suitable place outside the county in the circuit as directed by the circuit judges, and in addition the county may appropriate additional amounts for such purposes and may receive gifts, donations and bequests for such purposes.

Source: SL 1968, ch 146; 1973, ch 124.

14-6-5. Use of county law library.—The use of the county law library shall be open to all judges of courts of record, to all state officials, to all officials of the county wherein located, to members of the state bar, and to the inhabitants of the county under such conditions as provided by the circuit judges.

Source: SL 1968, ch 146.

CHAPTER 14-7

INTERSTATE LIBRARY COMPACT

14-7-12. Interstate library compact enacted—Text of compact.—The interstate library compact is hereby enacted into law and entered into by this state with all states legally joining therein in a form substantially as follows:

INTERSTATE LIBRARY COMPACT

Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of judisdictional lines, it is the policy of the states party to this compact to co-operate and share their responsibilities; to authorize co-operation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a co-operative basis; and to authorize co-operation and sharing among localities, states and others in providing joint or co-operative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

Article II. Definitions

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing

for the joint or co-operative furnishing of library services.

Article III. Interstate Library Districts

(a) Any one or more public library agencies in a party state in co-operation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may co-operate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or co-operative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property

or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

Article IV. Interstate Library Districts, Governing Board

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

Article V. State Library Agency Co-operation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or co-operative library programs, render joint or co-operative library services, and enter into and perform arrangements for the co-operative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a co-operative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

Article VI. Library Agreements

(a) In order to provide for any joint or co-operative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

Article VII. Approval of Library Agreements

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

Article VIII. Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

Article IX. Appropriations and Aid

(a) Any public library agency party to a library agreement

may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

Article X. Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and co-operate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

Article XI. Entry Into Force and Withdrawal

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

Article XII. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to

any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Source: SL 1975, ch 158, § 1.

14-7-13. State librarian as compact administrator—Deputies.—The state librarian shall be the compact administrator pursuant to Article X of this compact. The state librarian shall appoint one or more deputy compact administrators.

Source: SL 1973, ch 125, art 4A; SDCL Supp, § 14-7-2; SL 1975, ch 158, § 2.

14-7-14. Agreements submitted to state librarian for recommendations.—Every library agreement made pursuant to Article VI of the compact shall, as a condition precedent to its entry into force, be submitted to the state librarian for his recommendations.

Source: SL 1973, ch 125, art 2C; SDCL Supp, § 14-7-5; SL 1975, ch 158, § 3.

14-7-15. Agreements to comply with tax levy and bond laws.—No public library of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c) 7 of the compact, nor levy a tax or issue bonds to contribute to the construction or maintenance of such a library, except after compliance with any laws applicable to public libraries relating to or governing the levying of taxes or the issuance of bonds.

Source: SL 1975, ch 158, § 4.

14-7-16. State library office as "state library agency."—As used in the compact, "state library agency," with reference to this state, means the state library office.

Source: SL 1975, ch 158, § 5.

14-7-17. Withdrawal notices.—In the event of withdrawal from the compact, the compact administrator shall send and receive any notices required by Article XI (b) of the compact.

Source: SL 1975, ch 158, § 6.

14-7-18. Citation of chapter.—This chapter may be cited as the Interstate Library Compact.

Source: SL 1975, ch 158, § 7.

CHAPTER 16-1

THE SUPREME COURT

16-1-14. Supreme Court library—Publications included — Control by judges.—The Supreme Court library shall consist of all constitutions, statutes, session laws, court reports, digests, textbooks and other legal publications now owned by the state and under the control of the judges of the Supreme Court, or which may hereafter be acquired by purchase, exchange, or otherwise.

The Supreme Court library shall be under the exclusive control and supervision of the judges of the Supreme Court who are hereby authorized to make such rules and regulations regarding its use as they may deem proper.

Source: SL 1907, ch 183, §§ 1, 2; RC 1919, § 5160; SDC 1939 & Supp 1960, § 32.0311.

CHAPTER 22-24

OBSCENITY AND PUBLIC INDECENCY

22-24-31. Defenses for disseminating materials to minors.—In any prosecution for disseminating material harmful to minors, it is an affirmative defense that:

(1) The defendant had reasonable cause to believe that the minor involved was eighteen years old or more. A draft card, driver's license, birth certificate, or other official or apparently official document is evidence establishing that the minor was eighteen years of age or older;

(2) The minor involved was accompanied by his parent or legal guardian, or by an adult and the adult represented that he was the minor's parent or guardian or an adult and signed a written statement to that effect;

(3) The defendant was the parent or guardian of the minor involved; or

(4) The defendant was a bona fide school, college, university, museum or public library, or was acting in his capacity as an employee of such an organization or a retail outlet affiliated with and serving the educational purposes of such an organization.

Source: SL 1974, ch 165, § 20.

22-24-37. Activities and persons excepted.—Sections 22-24-27 to 22-24-54, inclusive, shall not apply to any persons who may possess or distribute obscene matter or participate in conduct, otherwise proscribed by said sections, when such possession, distribution, or conduct occurs

(1) in the course of law enforcement and judicial activities,

(2) in the course of bona fide school, college, university, museum, or public library activities or in the course of employment of such an organization or retail outlet affiliated with and serving the educational purposes of such an organization, or

(3) in the course of employment as a moving picture machine operator, or assistant operator, in a motion picture theater in connection with a motion picture film or show exhibited in such theater if such operator or assistant operator has no financial interest in the motion picture theater wherein he is so employed other than his wages received or owed;

or like circumstances of justification where the possession, distribution, or conduct is not limited to the subject matter's appeal to prurient interests.

Source: SL 1973, ch 148; SDCL Supp, § 22-24-12.1; SL 1974, ch 165, § 2.

CHAPTER 22-36

PUBLIC NUISANCES

22-36-2. Smoking in certain public places as petty offense—Designated smoking areas excepted.—Smoking tobacco or any tobacco product in an elevator, indoor theater, library, art museum, concert hall, elementary or secondary school building or public bus is a petty offense. No provision of this section shall be deemed to prohibit smoking of tobacco or tobacco products in the places named in this section, if the smoking is confined to areas designated as smoking areas.

Source: SL 1974, ch 243, § 2; 1976, ch 158, § 36-2.

ADMINISTRATIVE RULES OF SOUTH DAKOTA

LIBRARIES

State Board of Education

State Library Commission

ARTICLE 24:01

STATE BOARD OF EDUCATION

ARTICLE 24:03

SCHOOL ACCREDITATION

CHAPTER 24:03:05

INSTRUCTIONAL STAFF

24:03:05:04. Media personnel—Audio visual and librarian. A qualified media specialist shall have a valid teaching certificate based on a bachelor's degree, with library and audio visual hours sufficient to meet the requirements of the classification of the school system. A media specialist may qualify for level II accreditation with a minimum of ten hours of library science.

Qualifying courses for a media specialist include the following: cataloging and curriculum material, administration and audio visual, book selection, reference, children's literature, library and society, special library problems, reading guidance for schools, and educational technology.

General Authority: SDCL 13-1-12 and 13-1-27.
Law Implemented: SDCL 13-42-1, 13-42-2, and 13-1-32.

CHAPTER 24:03:07

INSTRUCTIONAL MATERIALS AND MEDIA

Section
24:03:07:01 Instructional materials.
24:03:07:02 Time requirement for a media specialist.
24:03:07:03 Instructional media collection.
24:03:07:04 Media program expenditures.

24:03:07:01. Instructional materials. All instructional materials shall be readily available to both teachers and students. Instructional materials shall be in keeping with study guides approved by the state board.

General Authority: SDCL 13-1-12 and 13-1-27.
Law Implemented: SDCL 13-1-31 and 14-1-25.

24:03:07:02. Time requirement for a media specialist. When a school system employs seven to seventeen teachers on a full time basis in grades kindergarten through twelve, the educational media specialist shall devote at least one-half of his time serving as a media specialist. When a school system employs eighteen or more teachers on a full time basis in grades kindergarten through twelve, the educational media specialist shall devote full time to this assignment.

General Authority: SDCL 13-1-12 and 13-1-27.
Law Implemented: SDCL 13-1-31.

24:03:07:03. Instructional media collection. Instructional media collections shall include up to date materials, both book and non-book, which meet the need of the individual learner. This material shall be centrally organized, properly maintained, readily available, and easily accessible to students and staff. The meeting of the basic quantitative standards alone is no assurance of an adequate materials collection.

General Authority: SDCL 13-1-12 and 13-1-27.
Law Implemented: SDCL 13-1-31.

24:03:07:04. Media program expenditures. The annual expenditure for books, magazines, and audio visual materials, exclusive of textbooks, shall be as follows: enrollment under five hundred; four dollars per pupil; enrollment of five hundred to nine hundred ninety-nine: two thousand dollars for the first five hundred pupils plus three dollars and fifty cents per pupil above that; enrollment of one thousand to one thousand nine hundred ninety-nine: three thousand seven hundred fifty dollars for the first one thousand pupils plus three dollars per pupil above that; and enrollment over two thousand: six thousand seven hundred fifty dollars for the first two thousand pupils plus two dollars per pupil above that.

General Authority: SDCL 13-1-12 and 13-1-27.
Law Implemented: SDCL 13-1-31.

ARTICLE 24:30

STATE LIBRARY COMMISSION

CHAPTER 24:30:01

PUBLIC ACCESS TO STATE LIBRARY

Section

24:30:01:01 Eligible public.
24:30:01:02 Public without or with inadequate public library service--Definitions.
24:30:01:03 Public with adequate public library service.
24:30:01:04 Students enrolled full-time in schools or institutions of higher education.
24:30:01:05 Public resident in State penal or charitable institutions.
24:30:01:06 Teachers in schools or institutions of higher education.
24:30:01:07 Libraries.
24:30:01:08 Withholding use from public.

24:30:01:01. Eligible public. Any citizen of South Dakota or any public library, school library, academic library, or special library located in South Dakota is eligible to use the library materials and services of the South Dakota state library, as provided in this article.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:02. Public without or with inadequate public library service--Definitions. Any citizen of South Dakota, not enrolled full-time in a public or private elementary and secondary school or institution of higher education may directly request library materials and services from the state library by visit, telephone, or letter if the citizen has no public library service available or if available public library service is inadequate. A public library is considered inadequate if it is not open to the public at least forty hours a week including at least two nights and a period of time on Saturday; if it has no telephone; if it is not staffed with at least one person holding a bachelor's degree from an accredited institution of higher education, or having two years of college and six hours of college credit in librarianship or twelve library continuing education units, or having two years of college and two years of library experience, or having a high school diploma and twelve hours of college credit in librarianship or twenty-four library continuing education units or an equivalent combination of college credits in librarianship and library continuing education units; if it is more than ten miles distant from a citizen's place of residence or business; if it purchases less than five hundred books per annum; and if it does not purchase the minimum quantity of book and periodical indexes recommended by the state library.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:03. Public with adequate public library service. Any citizen of South Dakota, with access to adequate free public library service may use library materials and services from the state library only by requesting them through the local public library; provided, that if the citizen is visually or physically handicapped or an employee of state government, that citizen may request library materials and services directly.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:04. Students enrolled full-time in schools or institutions of higher education. Any citizen of this state or any person enrolled full-time in any public or private elementary and secondary school or institution of higher education in South Dakota may use library materials and services from the state library in support of that citizen's formal education only by requesting them through the library provided by the school or institution.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:05. Public resident in state penal or charitable institutions. Any resident in a state supported penal or charitable institution may use library materials and services from the state library only by requesting them through the library provided by that institution and within such policies and rules and regulations as may be made by the board responsible for that institution.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:06. Teachers in schools or institutions of higher education. Any teacher in any public or private elementary and secondary school or institution of higher education may use library materials and services from the state library only through the school or institution library or through one person or office designated by the administrator of the school or institution.

General Authority: 14-1-59(2).
Law Implemented: 14-1-59(2), 14-1-41.

24:30:01:07. Libraries. Any public library, school library, academic library, special library, or designated person or office in a school or institution of higher education may request library materials and services from the state library only by utilizing appropriate request forms provided or designated by the state library.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

24:30:01:08. Withholding use from public. The state library reserves the right not to provide its materials and services to any citizen or library for a minimum time period of one year when the following abuses are documented:

(1) Consistent holding of library materials beyond their due date, loss of library materials, damage to library materials, or any combination of holding beyond the due date, loss or damage. Consistency is determined when any of the above abuses is documented five times within one year;

(2) Holding beyond the due date, loss or damage to library materials borrowed by the state library from other libraries on interlibrary loan when either holding, loss, damage or any combination of the three is documented in one year;

(3) Failure to pay for damage or loss as provided in §§ 24:30:02:06.

A request for a waiver of this rule will be considered by the state library commission at any of its regular quarterly meetings when received in writing from the citizen or the governing board of the library concerned.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2), 14-1-41.

CHAPTER 24:30:02

RESTRICTIONS ON LIBRARY MATERIALS

Section

24:30:02:01 Library materials for loan.
24:30:02:02 Library materials duplicated in lieu of loan.
24:30:02:03 Time periods for loan materials.
24:30:02:04 Quantity of materials lent or duplicated.
24:30:02:05 Limitation on use of library materials lent or duplicated.
24:30:02:06 Replacement charges for library materials lost or damaged by public.
24:30:02:07 Exclusion of certain materials.

24:30:02:01. Library materials for loan. The state library may lend a variety of library materials and equipment but will restrict the loan of equipment to employees of agencies of state government when the purpose of use is governmental.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

24:30:02:02 Library materials duplicated in lieu of loan. The state library, in lieu of loan, may duplicate or reproduce and lend information

within the provisions of national and international copyright statutes when that information is contained in library materials needed for daily use in the state library.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

24:30:02:03. Time periods for loan of materials. Library materials lent by the state library will circulate for the following periods of time:

(1) Printed library materials for a four week period;

(2) Audio-visual library materials for the day of use as requested by the user with a maximum loan period of one week, when such time period is specifically requested;

(3) Interlibrary loan materials borrowed from another library for the period specified by the lending library; and

(4) Duplicated or reproduced materials may be retained by the user without requirement of return.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

24:30:02:04. Quantity of materials lent or duplicated. The state library will limit the number of loans per request to the following maximum: five printed items and five duplicated items or one audio-visual item.

General Authority: SDCL 14-1-59(2).
Law Impelmented: SDCL 14-1-59(2).

24:30:02:05. Limitations on use of library materials lent or duplicated. The following limitations are placed on the use of any materials borrowed by the public from the state library.

(1) No materials will be lent or duplicated for purposes of further duplication for sale by user;

(2) Audio-visual materials are prohibited from being used where an admission or use charge is made; and

(3) Audio-visual materials under copyright may not be duplicated in any form.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

24:30:02:06. Replacement charges for library materials and equipment lost or damaged by users. When library materials or equipment are lost or damaged by users, the state library will charge the user for the replacement cost of the lost or damaged materials plus a processing fee of $3.00. If materials are no longer available from suppliers, a schedule of charges will be assessed the user as follows:

(1) Adult books: $10.00 each;

(2) Children's books: $6.00 each;

(3) Tape or disc recordings: $5.00;

(4) Filmstrips: $5.00 each;

(5) Audio-visual kits: $20.00 each;

(6) Sixteen milimeter films: $5.00 for each minute of film;

(7) State or federal documents: $5.00 each;

(8) Pamphlets, maps, pictures or slides: $1.00 each;

(9) Interlibrary loan materials: all charges assessed by the lending library;

(10) Equipment: all replacement or repair costs.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

24:30:02:07. Exclusion of certain materials. This chapter does not apply to those library materials and equipment supplied the state library by the library of congress for the exclusive use of the handicapped.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-59(2).

CHAPTER 24:30:03

BIBLIOGRAPHICAL CENTER

Section

24:30:03:01 Provision of bibliographic center.
24:30:03:02 Direct use of center by certain libraries.
24:30:03:03 Indirect use of center by other libraries.
24:30:03:04 Limitation on payment of certain transaction fees.

24:30:03:01. Provision of bibliographic center. All public, school, academic, and special libraries in South Dakota may be provided access to the services, network and research facilities of the bibliographical center for research, Rocky Mountain region, inc., in Denver, Colorado. Payment for general access to the facilities and for all transactions handled by the bibliographical center for South Dakota libraries will be made by the state library except as provided by §§ 24:30:03:04.

General Authorty: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-49.

24:30:03:02. Direct use of center by certain libraries. All libraries administered by a librarian who possesses a master's degree in library science from a library school accredited by the American library association or libraries having such a person as a full-time employee on their staff may contact the bibliographical center directly after first checking for South Dakota locations in the state library union catalog by telephone or in writing.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-49.

24:30:03:03. Indirect use of center by other libraries. All libraries not meeting the qualification in § 24:30:03:02 must place their bibliographical search requests with the state library for processing. A waiver of this rule may be requested from the state library commission at any of its regular quarterly meetings by a written request from the governing board of the library concerned.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-49.

24:30:03:04. Limitation on payment of certain transaction fees. When the state library exhausts available funds for the provision of network, research or other bibliographical center services, it may either assess a using library the cost of a transaction or service or direct the bibliographical center for research to assess the library for such costs.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-49.

CHAPTER 24:30:04

FUNDING OF PUBLIC LIBRARIES

Section

24:30:04:01 Special project grants--Priorities--Recognition of planning districts.
24:30:04:02 Criteria to be met by public libraries receiving special project funds.
24:30:04:03 Construction grants--Priorities.
24:30:04:04 Criteria to be met by public libraries receiving construction funds.
24:30:04:05 Establishment grants--Recognition of counties as viable units--Formula.
24:30:04:06 Establishment grants--Priorities.
24:30:04:07 Criteria to be met by counties to recieve establishment funds.

24:30:04:01. Special project grants--Priorities--Recognition of planning district. The state library may from time to time disburse funds made available by private agencies or the federal government for special projects in public libraries. When such funds are disbursed, they will be granted within the limits of available funds and within the priority order below:

(1) The relative merits of the project within appropriate federal or private regulations;

(2) A limit of one grant within a single model planning and development district during any one year; and

(3) The order in which proposals which meet all qualifications outlined in § 24:30:04:02 are received by the state library.

General Authority: SDCL 14-1-59(2)
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:02. Criteria to be met by public libraries receiving special project funds. To qualify for receipt of any funds the state library may disburse for special projects, a public library must:

(1) Be governed by a board of trustees appointed under the provisions of SDCL 14-2-35 or 14-2-37 where applicable;

(2) Be administered by a librarian who possesses a master's degree in library science from a library school accredited by the American library association or have such a person as a full-time employee on the staff for administration of these funds;

(3) Be open to the public at least fifty hours weekly including three nights and eight hours on Saturday;

(4) Share the results of the special project with other libraries in the state;

(5) Allow the state librarian or the state librarian's appointed representative reasonable access to the library for purposes of evaluation; and

(6) Agree to expend from local sources for its own operation, funds equal to those expended in the fiscal year prior to the year in which these special project funds may be made available.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:03. Construction grants--Priorities. The state library may from time to time disburse funds made available by private agencies or the federal government for construction of a public library. When construction funds are disbursed, they will be granted for projects within the limits of available funds and within the priority order below:

(1) A library headquarters facility maintained by two or more counties operating a library under a single administrative unit;

(2) A library headquarters facility in a one county library operating under a single administrative unit;

(3) A branch library facility of a two or more county library operating under a single administrative unit;

(4) A branch library facility of a one county library operating under a single administrative unit;

(5) A municipal library facility; and

(6) The order in which proposals meeting all qualifications outlined in §§ 24:30:04:04 are received by the state library within each above priority.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:04. Criteria to be met by public libraries receiving construction funds. To qualify for receipt of any funds the state library may disburse for construction, a public library must:

(1) Be governed by a board of trustees appointed under the provisions of SDCL 14-2-35 or 14-2-37 where applicable;

(2) Have those matching funds that may be required either in hand or guaranteed by its local appropriating body;

(3) Have clear title without a reversion or reservation of any kind, to a site approved by the state library;

(4) Plan to construct a new building that will only be used for public library purposes;

(5) Plan to provide at least one-half a square foot per person served, based on population estimated for the year 2000;

(6) Hire a certified architect to plan and supervise the construction of the library;

(7) Submit all building programs, preliminary plans and final plans to the state library for approval;

(8) Allow the state librarian or the state librarian's appointed representative reasonable access to the construction project for purposes of evaluation; and

(9) Show proof that it can provide adequate library services as defined in § 24:30:01:01.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:05. Establishment grants--Recognition of counties as viable units--Formula. The state library may from time to time disburse funds made available by private agencies or the federal government for the establishment of adequate public library service. Such funds will be granted only to a county or to two or more counties, acting together, which are lacking at least one of the requirements for adequate public library service as defined in § 24:30:04:07, have a population of not less than five thousand persons, prove financial ability to continue adequate service after the end of the grant period, and state in writing their intent to continue adequate county library service after the expiration of the grant. Grants will be for the amounts requested in grant applications up to a maximum of twenty-five thousand dollars plus one dollar per person served in excess of five thousand persons. Pending availability of funds, additional grants will be made for a second year of operation of county or multi-county library units which continue to meet the standards for adequate library service. Such second year grants will be for an amount equal to fifty per cent of the initial grant made to each library.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:06. Establishment grants--Priorities. When establishment funds are disbursed, they will be granted for proposals within the limits of available funds and within the priority order below:

(1) Second-year grants to supplement establishment grants made during the previous year;

(2) Relative merits of the grant proposals;

(3) Number of persons to be served; and

(4) The order in which proposals meeting all the qualifications outlined in § 24:30:04:07 are received by the state library.

Any establishment grant funds will be disbursed only through the county commission or commissions of the counties to be served.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

24:30:04:07. Criteria to be met by counties to receive establishment funds. To qualify for receipt of any funds the state library may disburse for establishing adequate public library service, a county or group of counties, acting together, must agree to provide public library services that will:

(1) Serve all county residents through a single legally established library administrative unit, governed by a single board of trustees;

(2) Be administered by a librarian who possesses a master's degree in library science from a library school accredited by the American library association or have such a person on the staff as a full-time employee for administration of establishment grant funds;

(3) Provide adequate library service as defined in §§ 24:30:01:02 at no charge to county residents; and

(4) Allow the state librarian or the state librarian's appointed representative reasonable access to the library for purposes of evaluation.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-46, 14-1-54.

CHAPTER 24:30:05

FUNDING OF SPECIAL INSTITUTIONS

Section

24:30:05:01 Funds for library materials and equipment--Formula.
24:30:05:02 Conditions.

24:30:05:01. Funds for library materials and equipment--Formula. The state library may from time to time disburse funds made available by private agencies or the federal government for purchase of library materials and equipment in penal and charitable institutions and in special residential schools maintained by the state. When such funds are disbursed, they will be granted on a formula as follows: a thousand dollar base grant per participating institution or residential school, plus an amount derived by dividing any remaining funds by the total of the average annual number of residents in all institutions and schools during the previous fiscal year, and prorating the amount to each institution by its resident count. If sufficient funds are available for providing the base grant, whatever funds are available will be divided equally among all participating institutions.

General Authority: SDCL 14-1-59(2).
Law Implemented: SDCL 14-1-51, 14-1-54.

25:30:05:02. Conditions. To participate in any grant program, each institution or residential school must:

(1) Agree to expend from state funds that are not utilized in matching any federal program, funds equal to those expended in the fiscal year prior to the year in which these funds may be made available;

(2) Agree to allow the state librarian or the state librarian's appointed representative reasonable access to the institution or school, within the rules and regulations established by the governing board of the institution or school, for purposes of evaluation; and

(3) Provide one-half of the time of one full-time professional employee for administration of the library and these funds. A waiver of subdivision (3) of this section may be requested from the state library commission at any of its regualr quarterly meetings by a written request from the director of the institution or school.

General Authority: 14-1-59(2).
Law Implemented: 14-1-51, 14-1-54.

CHAPTER 24:30:06

DOCUMENTS DEPOSITORY LIBRARY SYSTEM

Section

24:30:06:01 Standards to be met by depository libraries.
24:30:06:02 Exceptions to standards.
24:30:06:03 Additional requirements.
24:30:06:04 Selection of documents depository libraries.
24:30:06:05 Termination of contracts.
24:30:06:06 Termination by contracting library.
24:30:06:07 Termination by Commission.

24:30:06:01. Standards to be met by depository libraries. The following standards shall be met by all libraries applying to the state library commission for designation as documents depository libraries under the depository library system.

(1) The library shall be administered by a librarian who possesses a master's degree in library science from a library school accredited by the American Library Association or have such a librarian on its staff to administer the depository program; and

(2) The library shall be open at least fifty hours a week, including three nights and eight hours on a Saturday or a Sunday or a combination of both in each normal week.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:02. Exceptions to standards. The only exemptions from the standards required by section 24:30:06:01 are:

(1) National research institutions where deposits of South Dakota state documents may increase the national dissemination of knowledge of the State of South Dakota; and

(2) State library agencies of this or other states or libraries maintained by this or other states for purposes of collecting and preserving the history of the State of South Dakota.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:03. Additional requirements. In addition to meeting the standards of section 24:30:06:01, libraries, not excepted by section 24:30:06:02, shall agree to:

(1) Designate an individual person by name as administrator of the depository program for purposes of direct contact from the state publications library distribution center;

(2) Make any depository item available to any citizen of South Dakota requesting such services;

(3) Assure accessibility of state documents to library users through establishment of a system or systems approved by the state publications library distribution center;

(4) Retain all state documents for a minimum period of five years with the exception of those publications which are clearly superseded by subsequent editions or which are issued at a later date in cumulated form; and

(5) Allow the state librarian, or his representative, reasonable access to the depository program for purposes of evaluation.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:04. Selection of documents depository libraries. The state library commission shall contract for documents depository libraries from applications received from municipal or county free libraries or state college or state university libraries; provided, that no more than one contract shall be made in a model planning and development district with the exception of the district in which the state library itself shall serve as the documents depository library. If two or more libraries in a single model planning and development district apply for a documents depository library contract, the library open to the public the greatest number of hours shall be awarded the contract. If competing applications are equal in hours of opening, the library having the greatest number of population resident in counties touched by the circumference of a circle drawn on a radius of fifty miles from the city in which the library is located shall be awarded the contract. If both conditions above are equal among competing applicants, the municipal or county free library shall be awarded the contract. The state library commission may allow exceptions to this rule upon finding that a geographical imbalance will result from the application of this rule. Application for such exception may be made by a municipal or county free library board of trustees or by the administration of a state college or state university.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:05. Termination of contracts. Depository contracts with libraries shall remain in effect until the library ceases to exist, terminates the contract at its own request, or has the contract revoked by the state library commission.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:06. Termination by contracting library. A library may terminate its contract by informing the state library commission in writing at least thirty days prior to any regular scheduled quarterly meeting of the commission.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

24:30:06:07. Termination by commission. The state library commission may only revoke a contract by using the following procedure:

(1) The state librarian shall present a recommendation for revocation of a depository contract based only on written documentation that the library concerned was not meeting the standards or requirements prescribed by sections 24:30:06:01 or 24:30:06:03. This recommendation may be made at any regular quarterly meeting of the commission;

(2) The state library commission shall act upon the recommendation of the state librarian by rejecting his recommendation or by appointing a hearing officer as provided in SDCL 1-31-6.1 and shall enter into its minutes and issue to the library involved that a recommendation for revocation of the documents depository contract has been recieved and that a hearing officer has been appointed and that a hearing shall be scheduled at such time as is convenient to all parties involved;

(3) Only after such hearing or forfeiture by the library in question through nonappearance after due notice may the commission revoke a depository library contract.

General Authority: SDCL 14-1A-2.
Law Implemented: SDCL 14-1A-6.

GENERAL POLICIES OF THE

SOUTH DAKOTA STATE LIBRARY COMMISSION

GRIEVANCE POLICY

This policy applies to any members of the staff of the South Dakota State Library who may feel themselves aggrieved as the result of discrimination on the basis of race, religion, national origin, sex, age, or handicap. It is designed to provide a routine for that staff member to follow without any threat of retribution when the individual feels aggrieved. It may also be followed for grievances based on working conditions and other working relationships where the grievance is not based on a discriminatory practice. it is designed to meet the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, as amended.

Step 1: The aggrieved person should file a complaint containing information about the alleged discrimination, the time that it occured, the person responsible apparently for the discrimination, and whether or not it is a continuing form of discrimination. This complaint should be filed within eighteen months of a specific incident of discrimination. The complaint should be filed with the Administrative Services Officer of the South Dakota State Library.

Step 2: The Administrative Services Officer shall be responsible for explaining the entire grievance procedure to the complaintant.

Step 3: The Administrative Services Officer shall attempt to conciliate the complaint with the immediate supervisor or other person apparently responsible for discrimination. This should be concluded within thirty days of the filing of the complaint.

Step 4: If the attempt to conciliate by the Administrative Services Officer fails within thirty days, then the State Librarian should be notified and he or she should attempt to conciliate the complaint. The State Librarian shall have fifteen calendar days in which to conciliate the complaint and attempt to reconcile the parties. If one of the parties still is not satisfied, still feels aggrieved, then the aggrieved party should initiate contested case proceedings with the South Dakota State Library Commission.

Step 5: The Commission shall hear the evidence and determine the facts and generally follow the contested case proceedings found in the South Dakota Administrative Procedures Act (SDCL 1-26). The Commission shall have sixty days within which to act upon the case.

Step 6: The decision of the Commission may be appealed to the local circuit court.

Alternate steps and variables:

1. If the Administrative services Officer is the staff member against whom the complaint is filed, then the complaintant shall file the complaint with the State Librarian. If the State Librarian is the staff member against whom the complaint is filed, then the complaintant shall file the complaint directly with the Chairperson of the Commission.

2. If at any time the aggrieved staff member experiences an act of retribution as the result of following the grievance procedure above, the staff member may directly appeal to the South Dakota State Library Commission.

3. It is recommended that any staff member who files a complaint of discrimination within this grievance policy also file the complaint with the Office of Civil Rights in the federal Department of Health, Education and Welfare or with the South Dakota Division of Human Rights within the Department of Commerce and Consumer Affairs or with both.

4. A staff member aggrieved on the basis of working conditions, promotions, or other non-discriminatory problem must follow the procedure outlined above except in Step 6, the appeal should be made to the Personnel Policy Board of the South Dakota Bureau of Personnel.

Minutes of the State Library Commission. July 11, 1977.

OVERTIME POLICY

Cash Payment, at the rate of time and one-half, will be made to the class titles listed below for hours worked in excess of forty hours worked in any designated week; cash payment will be made on payroll for the period worked:

Library Clerks, Clerk Typists, Mail Clerks, Secretaries, Accounting Clerks, A.V. Technicians, and Library Technicians.

Compensatory Time-Off, at the rate of straight time, will be given the following class titles, which are not eligible for cash payment for overtime for hours worked in excess of forty in any designated week; at termination of employment remaining compensatory time will be forfeited; limit of eighty hours at any one time will be allowed with any excess not taken forfeited by the employee:

Librarians and Administrative Services Officers.

Minutes of the State Library Commission. June 3, 1977.

FILM BOOKING POLICY

It is the policy of the State Library Commission that audio-visual materials can only be requested within three months prior to the day of use.

Minutes of the State Library Commission. January 22, 1976.

STATE AGENCY LIBRARY POLICY

The State Librarian is authorized to enter contracts with any State Agency for services beyond the traditional library and information services under any of the following alternatives:

a. Contract to spend any other agency funds for library materials to be added to the State Library collection at no costs to the agency other than those of the cost of the material and any outside processing costs.

b. Contract to spend any other agency's funds for audio-visual materials to become the property of the State Library, but with usage restrictions imposed by that agency, at no costs to the agency other than those of the cost of the materials, outside processing, and separate listing for restricted circulation.

c. Contract to assume State Library ownership of library materials in any agency, to integrate those library materials into the collections of the State Library, and to authorize the State Library the right to dispose of any or all of those materials as it sees fit.

d. Contract to operate the library of any state agency at cost.

e. Contract to organize the library of any state agency at cost.

f. Contract to purchase and process library materials for an agency library at cost.

g. Contract to produce duplicate tapes or copies or to inspect films or to house and distribute films at cost.

h. Contract at cost to train and supervise staff of another agency in operation of a library outside the State Library building whose materials are owned by the State Library.

Minutes of the State Library Commission, April 29, 1976.

MATERIALS SELECTION POLICY

The South Dakota State Library Commission, recognizing the pluralistic nature of its state and the varied backgrounds and needs of all citizens, regardless of race, creed or political persuasion, and recognizing the unique place of the South Dakota State Library among the public, school and academic libraries of South Dakota, declares as a matter of materials selection policy that:

1. Library material selection is and shall be vested in the State Librarian and under his direction such members of the professional staff who are qualified by reason of education and training. Any item of library material so selected shall be held to be selected by the Commission.

2. Selection of library materials shall be made on the basis of their value for interest, information and enlightenment of all citizens of the state. Evaluative criteria that will be used in establishing such values are: the materials are essential and appropriate for the development of the subject; the materials are factually accurate and objective in presentation; the materials contribute to literary appreciation or have aesthetic value; the authors of the materials are competent and qualified in the field; and/or the materials are recommended by recognized authorities or professional bibliographies or lists. No item of library material shall be excluded because of the race, nationality, sex, or the political or social views of the author.

3. It is the right of any citizen of South Dakota to recommend library materials for selection consideration by the South Dakota State Library and it is the obligation of the State Librarian and his staff to consider such recommendations with the same evaluative criteria established above. Such recommendations shall be made in writing on forms developed by the State Librarian.

4. It is also the right of any citizen of South Dakota to question any library material selected by the State Library since opinions may differ in our democracy. Such questions shall be presented in writing on forms developed and made available by the State Librarian and shall be specific as to title and nature of the material being questioned.

5. This Commission declares itself firmly opposed to the censorship of library materials as a means by which an individual or group may seek to restrict or deny the availability of certain materials to any other individual or group. While it is acknowledged that an individual has the right to impose certain judgemental standards on his own or his children's use of library materials, this is the responsibility of the individual and not of the library; any standards so adopted by an individual will not be recognized as imposing any restrictions on the availability of materials in the library, nor can they be imposed on the use of library materials by any other individual or group. The Commission, therefore, defends the principles of the freedom to acquire information and declares that whenever censorship is involved no item of library material shall be removed from the library save under the orders of a court of competent jurisdiction.

6. This Commission adopts and declares that it will adhere to and support the Library Bill of Rights and the Freedom to Read Statement adopted by the American Library Association, both of which are made a part hereof.

7. The scope of the library's collection shall be that of a general library with information acquired in all subjects and in all forms in which information is made available. In recognizing the State Library's unicue position among libraries in South Dakota as a supplementary library to them, this Commission limits the acquisition of extremely popular library materials that should be the province of those existing public libraries supported by local taxes or of those citizens who pay no taxes to support a local library. It limits the acquistion of those library materials which are expected to be acquired by public or private elementary and secondary schools to support the curriculum of those schools. It limits also the acquisition of very expensive items that are known to be available in other libraries in the State unless the demand is so great that duplication can be justified. Though the library will acquire all current materials published by South Dakotans and about South Dakota, this Commission recognizes the South Dakota Historical Resource Center as the library within the State government that is charged with the responsibility for collection of those materials for the purpose of perserving them for posterity. Finally, this Commission recognizes its statutory responsibility to serve the Legislative and Executive branches of State government and will acquire those materials that will support the research needs of governmental officials and employees and will cooperatively coordinate its acquisition of library materials with those of the various branches of State government so as to limit duplication of effort and library materials.

8. All gifts of money or library materials offered the State Library shall be accepted but only with the full knowledge of the donor that gifts of library materials may be offered to another library or discarded if the quality of the gift does not meet the selection criteria above. All gifts of library materials that are added to the collection of the library shall be fully integrated into those collections; at no time will a special area be set aside for the housing of a gift in a separate area. All gifts of money will be spent in the area specified by the donor.

9. It is the responsibility of the State Librarian and under his direction such members of the professional staff who are qualified by reason of education and training to withdraw from the collections of the State Library any library materials that are no longer current, that are no longer usable due to use and wear, and that present inaccurate information to the user.

10. Attached to this selection policy and a part thereof are:

a. The Library Bill of Rights,
b. The Freedom to Read Statement adopted by the American Library Association,
c. A form for use by a citizen requesting the addition of library materials to the collection; and
d. A form for use by a citizen questioning the selection of certain library materials (Citizen's Request for Reconsideration of Materials).

Minutes of the State Library Commission. April 25, 1975.

Library Bill of Rights

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.

2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide information and enlightenment.

4. Libraries should cooperate with all personsand groups concerned with resisting abridgement of free expression and free access to ideas.

5. The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views.

6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.

Adopted June 18, 1948. Amended Febrary 2, 1961 and June 27, 1967, by the ALA Council.

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free enterprise is no longer valid; that censorship and suppression are needed to avoid the subversion of policies as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.

We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy; that the ordinary citizen, by exercising his critical judgement, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda, and to reject it. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that these efforts are related to a larger pattern of pressures being brought against education, the press, films, radio, and television. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to advoid controversy.

Such pressure toward conformity is perhaps natural to a time of uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression.

And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with stress.

Now as always in our history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of expression that can initially command only a small

audience. They are the natural medium for the new idea and the untried voice from which come the original contributions to social growth. They are essential to the extended discussion which serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communications is essential to the preservation of a free society and a creative culture. We believe that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free men will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions including those which are unorthodox or unpopular with the majority.

   Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until his idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what books should be published or circulated.

   Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase

of learning, They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one man can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.

A book should be judged as a book. No art or literature can flourish if it is to be measured by the political views or private lives of its creator. No society of free men can flourish which draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce that taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern literature is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experience in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters taste differs, and taste cannot be legislated; nor can machinery be devised which will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept with any book the prejudgement of a label characterizing the book or author as subversive or dangerous.

The idea of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that each individual must be directed in making up his mind about the ideas he examines. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society each individual is free to determine for himself what he wishes to read and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, bookmen can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

The freedom to read is of little consequence when expended on the trivial; it is frustrated when the reader cannot obtain matter fit for his purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of their freedom and integrity, and the enlargement of their service to society, requires of all bookmen the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the values of books. We do so because we believe that they are good, possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many person. We do not state these propositions in the comfortable

> belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life; but it is ours.

This statement was originally issued in May, 1953, by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Education Publishers Institute to become the Association of American Publishers. Adopted June 25, 1953. Revised January 28, 1972, by the ALA Council.

Citizen's Request Form for Purchase of Materials

AUTHOR

TITLE

EDITION or SERIES VOLUMES

PLACE or PUBLISHER YEAR LIST PRICE

RECOMMENDED BY

REVIEWED IN

Signature

Date

Citizens Request for Reconsideration of Materials

Title of the library material questioned: _____

_____

Form (Book, film, magazine, etc.): _____

Citizen Identification:

Name _____ Telephone _____

Address _____

_____ Zip Code _____

Citizen represents (himself, group (please identify), other (please describe):

_____

Have you read the materials selection policy of the South Dakota State Library Commission? _____

Was the item of library material, read, heard, or viewed in its entirety? _____

Describe on a separate sheet those elements in this item of library materials to which you object citing exact passages, page numbers, inaccuracies contained therein, and any other elements deemed pertinent to your argument requesting that this material be considered by the State Library Commission for exclusion from the collections of the South Dakota State Library.

What do you recommend as to the disposition of this matter? _____

_____

_____

Do you have alternative materials that you suggest might be used in place of the materials questioned? _____ If yes, please list below or on another sheet of paper.

_____
Signature

_____
Date

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